

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FILED: JUNE 24, 2008

VERONICA PURCELL,

Plaintiff,

V.

CHICAGO SUN-TIMES LLC, a Delaware LLC,  
f/k/a CHICAGO SUN-TIMES, INC., and HOLLINGER  
INTERNATIONAL PUBLISHING, INC., a Delaware  
corporation,

Defendants.

08CV3607

JUDGE DARRAH

MAGISTRATE JUDGE MASON

YM  
No.

## COMPLAINT AT LAW

NOW COMES the Plaintiff, Veronica Purcell, by and through her attorneys, The Law Offices of Eugene K. Hollander, and for her Complaint at Law, states as follows:

## JURISDICTION

1. This is a suit in equity authorized and instituted pursuant to the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000(e)-2, 42 U.S.C. § 1981 and the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq. (“ADEA”). The jurisdiction of this court is invoked to secure protection of and to address deprivation of rights secured by the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e)-2, 42 U.S.C. §1981(b), and 29 U.S.C. § 621, providing for declaratory, injunctive, compensatory, punitive, and other relief against employment discrimination based upon race and age.

2. Venue in this district is proper under 28 U.S.C. §1391(B). The Defendants reside or resided in this district and the events giving rise to Plaintiffs' claims occurred here.

3. All conditions precedent to jurisdiction have occurred or been complied with to-  
wit:

- a. A charge of employment discrimination alleging race and age discrimination, was filed with the Equal Employment Opportunity Commission (hereinafter "EEOC") by VERONICA PURCELL (hereinafter "PURCELL") against Defendants CHICAGO SUN-TIMES LLC, f/k/a CHICAGO SUN-TIMES, INC. (hereinafter "SUN-TIMES") and HOLLINGER INTERNATIONAL, INC. (hereinafter "HOLLINGER") on June 5, 2006 with charge number 440-2007-03640, a copy of which is attached hereto as **Exhibit 1**.
- b. The EEOC issued a notice of right to sue letter for charge 440-2007-03640 on March 27, 2008, a copy of which is attached hereto as **Exhibit 2**.

### **PARTIES**

4. PURCELL is a citizen of the United States and the State of Illinois. She currently resides in South Holland.

5. PURCELL was a member of the protected classes, black, age fifty-two (52) when the unlawful employment practices occurred.

6. PURCELL was, at all relevant times, employed by Defendants.

7. Defendants are qualified to do business in the State of Illinois and are doing business in the State of Illinois.

8. Defendants are "employers" as that term is defined under the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e(b) and the ADEA, 29 U.S.C. § 630 (B).

### **BACKGROUND FACTS**

9. PURCELL began her employment with Defendants in May 1993 in the Human Resources department.

10. PURCELL's most recent position at Defendants was Specialty Account Manager.

11. Throughout her employment with Defendants, PURCELL performed to the Defendants' legitimate expectations.

12. PURCELL was terminated from Defendants on June 6, 2006.

13. The alleged reason for PURCELL's termination was improper use of her employee discount.

14. Similarly situated employees outside of PURCELL's protected classes who engaged in the same or similar behavior were retained.

**COUNT I – WRONGFUL TERMINATION – TITLE VII and §1981**

15. PURCELL reincorporates and realleges Paragraphs 1 through 14 as though more fully set forth herein.

16. PURCELL is a member of a protected class, black.

17. During the course of PURCELL's employment with Defendants, she performed to their legitimate expectations.

18. PURCELL was terminated on June 6, 2006.

19. Similarly situated employees outside of PURCELL's protected class were treated more favorably.

20. By terminating PURCELL and by creating, condoning, and perpetuating an environment by which the terms and conditions of employment differ for members of a protected class, Defendants have intentionally discriminated against PURCELL with malice or with reckless indifference to PURCELL's federally protected rights in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981.

21. As a result of the intentional acts complained of herein, PURCELL has suffered and will continue to suffer the loss of employment with Defendants and the loss of salary, bonuses, benefits, and other compensation which such employment entails, and PURCELL has also suffered pecuniary losses, emotional distress, pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

22. Plaintiff demands a jury trial.

**WHEREFORE**, Plaintiff, VERONICA PURCELL, respectfully prays that this Honorable Court:

- a. Enter a declaratory judgment that the practices complained of herein are unlawful and in violation of the Civil Rights Acts of 1964, as amended by the Civil Rights Act of 1991 and 42 U.S.C. § 1981;
- b. Permanently enjoin Defendants, their agents, successors, officers, employees, attorneys, and those acting in concert with it or them from engaging in each of the unlawful practices, policies, customs, and usages set forth herein, and from continuing the unlawful practices, policies, customs, and usages set forth herein, and from continuing any and all practices shown to be in violation of applicable law;
- c. Order modification or elimination of the practices, policies, customs, and usages set forth herein and all other such practices shown to be in violation of applicable law so that they will not discriminate on the basis of race;
- d. Immediately assign PURCELL to that job she would now be occupying but for the discriminatory practices of Defendants, and adjust the wage rates, salaries, bonuses, and benefits for PURCELL to those which she would be enjoying but for the discriminatory practices of Defendants, or, if this is impossible, award PURCELL front-end pay;
- e. Compensate and make PURCELL whole for all earnings, wages, including prejudgment interest and other benefits that she would have received but for the discriminatory practices of Defendants;
- f. Award PURCELL the costs and disbursements of this action, including reasonable attorney's fees;

- g. Award PURCELL punitive damage for Defendants' willful conduct; and
- h. Grant such other relief as may be just and proper.

**COUNT II – AGE DISCRIMINATION**

23. PURCELL reincorporates and realleges Paragraphs 1 through 14 as though more fully set forth herein.

24. PURCELL is a member of a protected class, over forty years old.

25. During the course of PURCELL's employment by Defendants, she performed to Defendants' legitimate expectations.

26. PURCELL's employment was terminated on or about June 6, 2006.

27. Similarly situated employees, not in PURCELL' protected class, were treated more favorably.

28. Defendants, in violation of the provisions of 29 U.S.C. § 621, §623 et seq., has denied and continues to deny Plaintiff an equal opportunity for employment because of her age.

29. When Plaintiff was terminated, she was subjected to age discrimination in that there was a double standard set up between older employees and younger employees not included within the protected class. Plaintiff's younger counterparts were not subjected to discriminatory treatment.

30. Defendants knew that the termination of Plaintiff because of her age violated the ADEA.

31. This is a proceeding for declaratory judgment as to Plaintiff's right of a permanent injunction restraining Defendants from maintaining a policy, practice, usage or custom of discriminating against Plaintiff because of her age with respect to the following:

compensation, terms, conditions and privileges of employment and ways that deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status as an employee, because of age. This complaint also seeks restitution to Plaintiff for the denial of all of her rights, privileges, benefits and income that would have been received by her, but for Defendants' unlawful and illegal discriminatory practices.

32. Plaintiff has no plain, adequate or complete remedy at law to address the wrongs alleged, and this suit for injunctive relief is her only means of securing adequate relief. Plaintiff is now suffering and will continue to suffer irreparable injury from Defendants' policy, practice, custom and usage as set forth herein, until and unless enjoined by the Court.

33. Plaintiff demands a trial by jury.

**WHEREFORE**, Plaintiff, VERONICA PURCELL respectfully prays this Honorable Court:

1. Enter a declaratory judgment finding the practices complained of herein unlawful and in violation of the Age Discrimination in Employment Act, as amended;

2. Permanently enjoin Defendants, their agents, successors, officers, employees, attorneys and those acting in concert with it or them from engaging in each of the unlawful practices, policies, customs and usages set forth herein, and from continuing any and all practices shown to be in violation of applicable law;

3. Order modification or elimination of the practices, policies, customs and usages set forth herein and all other such practices shown to be in violation of applicable law, ensuring Defendants will not continue to discriminate on the basis of age;

4. Immediately assign Plaintiff to the position she would now be occupying but for the discriminatory practices of Defendants, and adjust the wage rates, salaries, bonuses, and

benefits for Plaintiff to those which she would have received but for the discriminatory practices of Defendant, or, if this is impossible, award Plaintiff front-end and future pay;

5. Compensate and make Plaintiff whole for all earnings, wages, including prejudgment interest and other benefits that she would have received but for the discriminatory practices of Defendants;

6. Award Plaintiff the costs and disbursements of this action, including reasonable attorney's fees;

7. Award Plaintiff liquidated damages for Defendants' willful conduct, and grant such other relief as may be just and proper.

Respectfully Submitted,  
VERONICA PURCELL

s/ Paul W. Ryan  
\_\_\_\_\_  
One of Her Attorneys

Eugene K. Hollander  
Paul W. Ryan  
**The Law Offices of Eugene K. Hollander**  
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Chicago, IL 60602  
(312) 425-9100  
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# EXHIBIT

## No. 1

08CV3607

JUDGE DARRAH

MAGISTRATE JUDGE MASON

YM



CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	440-2007-03640
<b>Illinois Dept. of Human Rights</b>		and EEOC	
State or local Agency, if any			
NAME (Include Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)	
Ms. Veronica Purcell		(708) 331-6638	
STREET ADDRESS		CITY, STATE AND ZIP CODE	DATE OF BIRTH
15648 Dante Drive		South Holland, IL 60473	06/27/1953
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)			
NAME		NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)
Chicago Sun-Times, Inc.		15+	(312) 321-3000
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
350 N. Orleans St.		Chicago, IL 60654	Cook
NAME		TELEPHONE NUMBER (Include Area Code)	
Hollinger International, Inc.		(416) 363-7821	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
10 Toronto St.		Toronto, Ontario M5C 2B7	N/A
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)):		DATE DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> AGE <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST (ADEA/EPA) LATEST (ALL) 06/05/2006	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
<p>I. I began my employment with Respondent in May 1993 in Human Resources. My most recent position was a Specialty Account Manager with the Chicago Sun-Times.</p> <p>II. I was subjected to discrimination based upon my race, black, by Respondent supervisors and directors, including, but not limited to John Kern. The discrimination included terminating me based upon my race, black, and age, 53 years old, while other younger, white employees were retained.</p> <p>III. I was also subject to discrimination when Respondent terminated me immediately upon accusing me of losing money for the company. Respondent gave younger, white employees a warning after they admittedly lost money for the company.</p> <p>IV. After I was terminated, Respondent replaced me with a younger, white employee. I subsequently took a lower paying position where I was not discriminated against.</p> <p>V. I believe that I have been discriminated against based on my race, black, and my age, 53 years old, in violation of the Title VII of the Civil Rights Act of 1964, as amended.</p>			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief SIGNATURE OF COMPLAINANT DATE 03/05/07 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month and year)	
OFFICIAL SEAL ERIN E BUCK NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES: 10/27/09 Notary Public Seal		RECEIVED MAR 04 2007 CHICAGO DISTRICT OFC	

# EXHIBIT

## No. 2

08CV3607

JUDGE DARRAH

MAGISTRATE JUDGE MASON

YM

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Veronica Purcell**  
**15648 Dante Drive**  
**South Holland, IL 60473**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2800**  
**Chicago, IL 60661**

CERTIFIED MAIL 7099 3400 0018 8814 9287



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-03640

**Rachel Lowell,**  
**Investigator**

(312) 353-2401

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**John P. Rowe,**  
**District Director**

Enclosures(s)

(Date Mailed)

cc: **CHICAGO SUN-TIMES, INC./HOLLINGER**  
**INTERNATIONAL INC.**

3/27/08